

CCRB INVESTIGATIVE RECOMMENDATION

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|--|---|---------------------------|--|------------------------------------|---------------------------------|
| Investigator: Kenneth Shelton | Team: Squad #2 | CCRB Case #: 201904666 | <input type="checkbox"/> Force | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Tuesday, 05/21/2019 , Thursday, 05/23/2019 12:35 AM | Location of Incident: 102nd Precinct stationhouse | Precinct: 102 | 18 Mo. SOL 11/23/2020 | EO SOL 7/10/2021 | |
| Date/Time CV Reported Thu, 05/30/2019 12:10 PM | CV Reported At: CCRB | How CV Reported: Phone | Date/Time Received at CCRB Thu, 05/30/2019 12:10 PM | | |
| Complainant/Victim | Type | Home Address | | | |
| | | | | | |
| Subject Officer(s) | Shield | TaxID | Command | | |
| 1. POM Dominick Abate | 01677 | 965643 | 102 PCT | | |
| Officer(s) | Allegation | | | Investigator Recommendation | |
| A.POM Dominick Abate | Abuse: Police Officer Dominick Abate did not process § 87(2)(b) s complaint regarding an officer. | | | | |

Case Summary

On May 30, 2019, § 87(2)(b) called the CCRB and filed this complaint.

On May 23, 2019, at approximately 12:35 a.m., § 87(2)(b) walked into the 102nd Precinct stationhouse in Queens. § 87(2)(b) spoke to Police Officer Dominick Abate of the 102nd Precinct at the stationhouse desk. § 87(2)(b) requested to file a complaint against Police Officer Mayo of the 102nd Precinct regarding a summons Police Officer Jeffrey Mayo issued § 87(2)(b). Police Officer Abate provided § 87(2)(b) with the CCRB's phone number and told him to contact the CCRB and allegedly told him that he could not file a complaint at the stationhouse (**Allegation A: Abuse of Authority: § 87(2)(g)**). § 87(2)(b) wrote down Police Officer Abate's name and shield number and left the stationhouse.

No arrests or summonses resulted from this incident.

Video footage taken from the 102nd Precinct stationhouse is attached to IA #21 (Board Review 03). A sub clip of the relevant portion is attached in IA #22 (Board Review 06). The footage is summarized in IA #36 (Board Review 07). The footage did not have audio.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Dominick Abate did not process § 87(2)(b)'s complaint regarding an officer.

On June 12, 2019, § 87(2)(b) was interviewed at the CCRB. On July 15, 2019, Police Officer Dominick Abate of the 102nd Precinct was interviewed at the CCRB.

§ 87(2)(b) said that he visited the 105th Precinct stationhouse and spoke to Police Officer Abate at the desk. § 87(2)(b) showed Police Officer Abate the summons he received from Police Officer Mayo and requested to file a complaint against Police Officer Mayo. Police Officer Abate told him that he could not file a complaint at the stationhouse, prior to providing him with the CCRB's number. § 87(2)(b) wrote down the number for the CCRB and Police Officer Abate's name and shield number on a notepad he brought to the stationhouse (Board Review 02). He then left.

Police Officer Abate said that § 87(2)(b) informed him that Police Officer Mayo issued a summons to him and had been discourteous to him. Police Officer Abate pointed to a CCRB information poster regarding filing complaints located behind the desk and told § 87(2)(b) to contact the CCRB. Police Officer Abate told § 87(2)(b) the CCRB's hours of operation and told him to call the CCRB the next morning to file his complaint. Police Officer Abate also wrote down the CCRB's information down for § 87(2)(b) although he did not recall where he wrote down this information. Police Officer Abate did not recall any additional conversation between himself and § 87(2)(b). Police Officer Abate did not recall § 87(2)(b) speaking to any other officer at the stationhouse and denied any other officer being in the immediate proximity when he spoke with § 87(2)(b). Police Officer Abate's understanding of the procedure regarding processing civilian complaints was that, "For use of force or anything that's heavy, refer to the supervisor, (whether it be the desk sergeant or whoever's out on patrol depending on where it is), and then anything else refer to the CCRB." Police Officer Abate denied speaking to a superior officer regarding § 87(2)(b) requesting to file a complaint against Police Officer Mayo.

The stationhouse footage shows § 87(2)(b) entering the stationhouse and speaking to an officer positioned behind the desk, however the video does not contain audio and does not depict any other interactions.

According to Patrol Guide Procedure 207-31, a receiving officer is obligated to interview any civilian who comes to a Precinct stationhouse to file a complaint. If a civilian complainant does not want to furnish the officer with the details of what happened, then the receiving officer must provide that individual with a Civilian Complaint Report notify the Civilian Complaint Review Board of what occurred, note the demographic information in the Command Log, and take information from the complainant to prepare into a packet for the investigating officer (Board Review 04).

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been party (Board Review 01).
- Police Officer Abate has been a member of service for one year and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- On August 7, 2019, a Notice of Claim search request was sent to the New York City Comptroller's Office. The results will be added to the case file upon competition.

§ 87(2)(b)

(Board Review 05).

Squad No.: _____2_____

Investigator: _____

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|-----------|--------------------|------|
| Signature | Print Title & Name | Date |
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Squad Leader: _____

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| Signature | Print Title & Name | Date |
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Reviewer:

Signature

Print Title & Name

Date